

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARDS LIFESCIENCES LLC ET AL,

Plaintiff,

v.

MEDTRONIC, INC. ET AL,

Defendant.

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No. C 03-03817 JSW

**ORDER RESERVING APPROVAL  
OF SUPPLEMENTAL  
STIPULATED PROTECTIVE  
ORDER PENDING FURTHER  
SUBMISSION**

The Court has received the parties' joint Supplemental Stipulated Protective Order, which seeks to supplement the existing Stipulated Protective Order to address information protected by the Health Insurance Portability And Accountability Act of 1996 ("HIPAA"). 45

United States District Court  
C.F.R. § 164.512 notes that "a qualified protective order means, with respect to protected health information ... an order of the court ... that ... [r]equires the return to the covered entity or destruction of the protected health information (*including all copies made*) at the end of the litigation or proceedings."

However, paragraph 11 of the parties' supplemental stipulated protective order permits the parties to retain materials that contain information protected under HIPAA, which would conflict with the plain language of 45 C.F.R. § 164.512. Accordingly, the Court HEREBY ORDERS the parties to submit a joint statement setting forth their position as to why paragraph 11 comports with the requirements of HIPAA. Such statement shall be due to the Court on or

1 before February 2, 2007.

2 **IT IS SO ORDERED.**

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4 Dated: January 25, 2007

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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18 **United States District Court**  
Southern District of California